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9 Attorneys for Defendant and Counterclaimant,
 Blockbuster Inc.

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12

13 NETFLIX, INC., a Delaware corporation,
 14
 Plaintiff,
 15
 vs.
 16 BLOCKBUSTER INC., a Delaware corporation,
 17 DOES 1-50,
 18
 Defendants.

CASE NO. C 06 2361 WHA (JCS)

**[PROPOSED] ORDER GRANTING
 BLOCKBUSTER'S MOTION TO
 COMPEL FURTHER RESPONSES
 TO ITS FIRST SET OF REQUESTS
 FOR PRODUCTION**

Date: December 8, 2006
Courtroom: A, 15th Floor
Time: 9:30 a.m.
Judge: Hon. Joseph C. Spero

Complaint Filed: April 4, 20066

19
 20 AND RELATED COUNTER ACTION.
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22 Blockbuster's Motion to Compel Further Responses to Its First Set of Requests for
 23 Production came on regularly for hearing by this Court on December 8, 2006, the Honorable
 24 Joseph C. Spero, United States Magistrate Judge, presiding. Marshall B. Grossman and William
 25 J. O'Brien of Alschuler Grossman Stein & Kahan LLP appeared for Defendant and
 26 Counterclaimant, Blockbuster Inc. _____ of Kecker & Van Nest, LLP,
 27 appeared for Plaintiff and Counter-Defendant, Netflix, Inc.
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1 After receiving and reviewing the papers filed in support of an opposition to the
2 motion and hearing arguments of counsel, IT IS HEREBY ORDERED AS FOLLOWS:

3 1. Blockbuster's motion is granted.

4 2. All of Netflix's objections to Blockbuster's First Set of Requests for
5 Production have been waived.

6 3. Netflix is ordered to forthwith produce to Blockbuster all documents and
7 tangible things in Netflix's possession, custody or control [that are requested in Blockbuster's
8 First Set of Requests for Production] [that are requested in any of Requests Nos. 3-5, 10-16, 24-
9 26, 32, 34-36, 46-49, 52-54, 55-57, 67-71, 73-74, 78-81, 86, 88-90, 93-100, 105, 113-17, 119,
10 128-29, or 130-32 of Blockbuster's First Set of Requests for Production].

11 4. The sole exceptions to the foregoing are:

12 a. Netflix may limit its responses to Requests Nos. 55, 69, 79, 90, 99,
13 100, 105, 113, and 114 to documents and things sufficient to fully describe the prior art
14 referred to in such requests and Netflix's knowledge of such art;

15 b. Netflix may limit its responses to Requests Nos. 35 and 36 to
16 matters known to PERSONS UNDER A DUTY OF CANDOR as defined in
17 Blockbuster's First Set of Requests for Production; and

18 c. Netflix may exclude from its responses to Requests Nos. 35 and 36
19 any items purchased through Amazon.com or eBay.
20

21 DATED:

22 _____
Honorable Joseph C. Spero
United States Magistrate Judge
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